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APPLICATION NO.	FILING DATE	FIRST NAMED	NVENTOR	IΑ	TORNEY DOCKET NO.
09/272,417	03/19/99	BORNHORST		J	M-173
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RANDALL J K	NUTH P.C.			GERRITY	
3510 A STELLHORN ROAD				ART UNIT	PAPER NUMBER
FORT WAYNE	IN 46815-46	31	•		(
				3721	
	•			DATE MAILED:	
					04/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Application No. 09/272,417

n No. Applicant(s)

Bornhorst et al.

Office Action Summary Examiner

Stephen F. Gerrity

Art Unit **3721**



	The MAILING DATE of this communication appears	on the cover sheet with the correspondence address		
A SH	or Reply ORTENED STATUTORY PERIOD FOR REPLY IS SET MAILING DATE OF THIS COMMUNICATION.	TO EXPIRE3 MONTH(S) FROM		
af	ter SIX (6) MONTHS from the mailing date of this communic	FR 1.136 (a). In no event, however, may a reply be timely filed ation. , a reply within the statutory minimum of thirty (30) days will		
- If NO	mmunication.	period will apply and will expire SIX (6) MONTHS from the mailing date of this statute, cause the application to become ABANDONED (35 U.S.C. § 133).		
- Any i	eply received by the Office later than three months after the rned patent term adjustment. See 37 CFR 1.704(b).	mailing date of this communication, even if timely filed, may reduce any		
Status				
1) 🗶	Responsive to communication(s) filed on 6 Feb 200	01		
2a) 💢	This action is FINAL . 2b) ☐ This act	ion is non-final.		
3) 🗆	Since this application is in condition for allowance closed in accordance with the practice under $\textit{Ex pa}$	except for formal matters, prosecution as to the merits is rte Quayle, 1935 C.D. 11; 453 O.G. 213.		
Disposi	tion of Claims			
4) 💢	Claim(s) 1-18, 20 and 21	is/are pending in the application.		
4	la) Of the above, claim(s)	is/are withdrawn from consideration.		
5) 🗆	Claim(s)	is/are allowed.		
6) 💢	Claim(s) 1-3, 16, 18, 20 and 21	is/are rejected.		
7) 💢	Claim(s) 4-15 and 17	is/are objected to.		
8) 🗆	Claims	are subject to restriction and/or election requirement.		
Applica	tion Papers			
9) 💢	The specification is objected to by the Examiner.			
10)💢	The drawing(s) filed on 6 Feb 2001 is/are	objected to by the Examiner.		
11)		is: a)□ approved b)□ disapproved.		
12)	The oath or declaration is objected to by the Exam			
Priority	under 35 U.S.C. § 119			
13)□	Acknowledgement is made of a claim for foreign p	riority under 35 U.S.C. § 119(a)-(d).		
a) [☐ All b)☐ Some* c)☐ None of:			
	1. \square Certified copies of the priority documents hav	re been received.		
	2. \square Certified copies of the priority documents hav	re been received in Application No		
	 Copies of the certified copies of the priority d application from the International Bure ee the attached detailed Office action for a list of th 			
3 14)⊠	Acknowledgement is made of a claim for domestic			
, 74		• • • • • • • • • • • • • • • • • • • •		
Attachm				
_	otice of References Cited (PTO-892)	8 Interview Summary (PTO-413) Paper No(s)		
_	otice of Draftsperson's Patent Drawing Review (PTO-948) formation Disclosure Statement(s) (PTO-1449) Paper No(s).	19) Notice of Informal Patent Application (PTO-152) 20) Other:		
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DETAILED ACTION

Drawings

- 1. The corrected or substitute drawings were received on 6 February 2001. These drawings are approved by the examiner as formal drawings.
- 2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the **encoder** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
- 3. The drawings are objected to under 37 CFR 1.84(h)(5) because Figure 4 shows modified forms of construction in the same view. The separate representations <u>must</u> be separately shown and separately labeled. Correction is required.
- **4.** Applicant is required to submit a proposed drawing correction in response to this Office Action. Any proposal by the applicant for amendment of the drawings to cure defects must consist of two parts:
 - a. A separate letter to the Draftsman in accordance with MPEP § 608.02(r); and
 - **b.** A print or pen-and-ink sketch showing changes in red ink in accordance with MPEP § 608.02(v).

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c. IMPORTANT NOTE: The filing of new formal drawings to correct the noted defect may be deferred until the application is allowed by the examiner, but the print or pen-and-ink sketch with proposed corrections shown in red ink is required in response to this Office Action, and may not be deferred.

Specification

5. The disclosure is objected to because a brief drawing description has not been provided for figures 8a and 8b. Appropriate correction is required.

Claim Objections

6. Claim 20 is objected to because in line 1, the word "method" should be changed to --press--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 8. Claims 1-3, 16, 18, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayashi. Attention is directed to the embodiment of

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figure 15 and the discussion in col. 10, line 54 through col. 11, line 51, as well as col. 12, lines 35-40.

Allowable Subject Matter

9. Claims 4-15 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments filed 6 February 2001 have been fully considered but they are not persuasive. Applicant's arguments that the Hayashi reference does not anticipate the claimed subject matter is noted, but not agreed with by the examiner. Applicant's attention is directed to the discussion of the embodiment shown in figure 15 and the discussion thereof in columns 10 and 11, as well as, the discussion in column 12 of Hayashi. The argument that Hayashi employs more than a single motor is noted, but the claims are rejectable because the claim does not limit the drive to a single motor.

Conclusion

11. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a

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first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gerrity. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo, may be contacted. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 3720 receptionist.

Stephen F. Gerrity Primary Examiner Art Unit 3721

Gerrity Examiner (703) 308-1279 Supervisor (703) 308-1789 Receptionist (703) 308-1148 Facsimile (703) 305-3579/3580 20-Apr-01